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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,125	08/06/2001	Michael L. Obradovich	9800.1024	9724
7590	03/18/2004		EXAMINER	
Alex L. Yip Kaye Scholer LLP 425 Park Avenue New York, NY 10022			NGUYEN, CAO H	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 03/18/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/923,125</b>	Applicant(s) <b>Obradovich</b>
Examiner <b>Cao (Kevin) Nguyen</b>	Art Unit <b>2173</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Dec 24, 2003

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 21-29, 31-39, and 41-58 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 21-29, 31-39, and 41-58 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

6)  Other: \_\_\_\_\_

## DETAILED ACTION

### 37 C.F.R. § 1.105 Requirements for Information

(a)(1) In the course of examining or treating a matter in a pending or abandoned application filed under 35 U.S.C. 111 or 371 (including a reissue application), in a patent, or in a reexamination proceeding, the examiner or other Office employee may require the submission, from individuals identified under § 1.56(c), or any assignee, of such information as may be reasonably necessary to properly examine or treat the matter, for example:

- (i) Commercial databases: The existence of any particularly relevant commercial database known to any of the inventors that could be searched for a particular aspect of the invention.
- (ii) Search: Whether a search of the prior art was made, and if so, what was searched.
- (iii) Related information: A copy of any non-patent literature, published application, or patent (U.S. or foreign), by any of the inventors, that relates to the claimed invention.
- (iv) Information used to draft application: A copy of any non-patent literature, published application, or patent (U.S. or foreign) that was used to draft the application.
- (v) Information used in invention process: A copy of any non-patent literature, published application, or patent (U.S. or foreign) that was used in the invention process, such as by designing around or providing a solution to accomplish an invention result. (vi)

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Improvements: Where the claimed invention is an improvement, identification of what is being improved.

(vii) In use: Identification of any use of the claimed invention known to any of the inventors at the time the application was filed notwithstanding the date of the use.

(2) Where an assignee has asserted its right to prosecute pursuant to 3.71(a) of this chapter, matters such as paragraphs (a)(1)(I), (iii), and (vii) of this section may also be applied to such assignee.

(3) Any reply that states that the information required to be submitted is unknown and/or is not readily available to the party or parties from which it was requested will be accepted as a complete reply. (b) The requirement for information of paragraph (a)(1) of this section may be included in an Office action, or sent separately. © A reply, or a failure to reply, to a requirement for information under this section will be governed by 1.135 and 1.136.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 21-29, 31-39, and 41-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent No. 5,671,195) in view of Logan (US Patent No. 6,199,076B1).

Regarding claim 21, Lee discloses a system for use in a vehicle comprising a receiver for receiving entertainment programs provided by a plurality of sources, the entertainment programs being classified in a plurality of categories based on contents of the entertainment programs (see col. 3, lines 10-67); a processor for associating indicators, representing respective ones of the sources, with the categories of the entertainment programs provided by the sources (see col. 4, lines 1-58); however, Lee fails to explicitly teach an interface for presenting, for a given category, a collection of one or more indicators associated with the given category, thereby facilitating selection of a source represented by an indicator in the collection to receive an entertainment program classified in the given category.

Logan teaches an interface for presenting, for a given category, a collection of one or more indicators associated with the given category, facilitating selection of a source represented by an indicator in the collection to receive an entertainment program classified in the given category (see col. 9-10, lines 1-67). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide an interface for presenting, for a given category, a collection of one or more indicators associated with the given category by an indicator in the

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collection to receive an entertainment program classified in the given category as taught by Logan to a broadcast receiver system by Lee in order to provide a user interface selectable categories of the vehicle entertainment for programs accompanying the available communication signal and to enhance a user friendly.

Regarding claim 22, Lee discloses wherein at least one of the sources is a radio station (see col. 4, lines 1-22).

Regarding claim 23, Lee discloses 21 wherein at least one of the sources is a television (TV) source (see figures 2-3).

As claims 24-27 are analyzed as previously discusses with respect to claims 21-23 above.

Claims 27-29, Lee discloses wherein the indicator includes a sign identifying the source represented thereby; wherein the source is selected by selecting the indicator representing the source; and wherein the interface includes a display (see col. 7-8, lines 1-67 and figures 4-7).

As claims 31-39 and 41-58 are analyzed as previously discusses with respect to claims 21-23 and 27-29 above.

#### *Response to Arguments*

3. Applicant's arguments filed on 01/15/04 have been fully considered but they are not persuasive.

As Applicant requested Weinberger and DiLorenzo will be removed from the record as a prior art reference.

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At page 9 of the Remarks, Applicant argues that the combination of Lee and Logan do not teach or suggest "the given category by an indicator in the collection to receive an entertainment program classified in the given category". However, the limitations as claimed set forth to read on Lee "In accordance with the present invention, if all setting codes or parameters are correct, by pressing traffic/weather button, these codes are stored to RAM 93 (will be shown and discussed in FIG. 4); meanwhile, screen switches from the program-setting mode to a non-program-setting mode in that time indicator will display a present time rather than a program time, and the dotted numbers/characters and the rest of other indicators become invisible except for channel frequency indicator and program category status indicator. In the non-program-setting mode, an illuminated display of "traffic/weather" on program category status indicator signifies the existence of a program or programs aiming for the automatic recording of preselected traffic/weather broadcasts. The illuminated traffic/weather display shown by program category status indicator is made to glow much brighter to indicate that a preselected traffic/weather broadcast is currently being recorded" see col. 5, lines 3-21.

In response to applicant's argument on page 10 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

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1992). In this case, Lee teaches a system for use in a vehicle comprising a receiver for receiving entertainment programs provided by a plurality of sources used in combination of Logan's an interface for presenting, for a given category, a collection of one or more indicators associated with the given category. One skill in the would have been obvious to provide an interface for presenting, for a given category, a collection of one or more indicators associated with the given category by an indicator in the collection to receive an entertainment program classified in the given category as taught by Logan to a broadcast receiver system by Lee in order to provide a user interface selectable categories of the vehicle entertainment for programs accompanying the available communication signal and to enhance user friendly

At pages 11 and 12 of the Remarks, Applicant argues that the combination of Lee and Logan do not teach or suggest. However, the limitations as claimed set forth to read on Logan "a display a given category, together with a collection of one or more indicator" a user listening to the programming in scheduled order is provided with an indication of the duration of programming remaining to be played. In a player implemented by a personal computer provided with a screen display the current playback position may be advantageously indicated by displaying the program segment topic descriptions in a scrolling listing, with the description of the program currently being displayed being highlighted. The scheduled duration of each program segment may be displayed, along with the elapsed time remaining to be played in the currently playing segment, to enable the user to more easily determine when to skip the remainder of the currently playing segment. When such a concurrent visual display is available,

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means may also be included to respond to the users selection of a given program on the scrollable listing by means of a mouse or the like, and then automatically continue the play at the beginning of the program segment thus selected. Each time the playback begins a new programming, advertising or announcement segment, the segment start time is recorded in the usage log file stored at 109 (FIG. 1). Each usage log record contains a program segment identification number (ProgramID) obtained from the selections file as well as a start time and date stamp encoded into a 32 bit date-time value, a volume level setting indicating the volume at which the player was set at that time, and a playing speed value indicating the playing speed or playing being used.; see col. 12, lines 35-67

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (PTO-892).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than ~~SIX MONTHS~~ from the mailing date of this final action.

6. Responses to this action should be mailed to Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist)

*Inquires*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER

March 16, 2004

